

Adopted	Rejected
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## COMMITTEE REPORT

YES:	7
NO:	4

### MR. SPEAKER:

*Your Committee on Local Government, to which was referred Senate Bill 307, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning local
- 3 government and to make an appropriation.
- 4 Page 2, between lines 19 and 20, begin a new paragraph and insert:
- 5 "SECTION 2. IC 6-3.5-6-9 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If on January
- 7 1 of a calendar year the county option income tax rate in effect for
- 8 resident county taxpayers equals six tenths of one percent (0.6%), then
- 9 the county income tax council of that county may after January 1 and
- 10 before April 1 of that year pass an ordinance to increase its tax rate for
- 11 resident county taxpayers. **Except as provided in section 9.6 of this**
- 12 **chapter**, if a county income tax council passes an ordinance under this
- 13 section, its county option income tax rate for resident county taxpayers
- 14 increases by one tenth of one percent (0.1%) each succeeding July 1
- 15 until its rate reaches a maximum of one percent (1%).
- 16 (b) The auditor of the county shall record any vote taken on an

ordinance proposed under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 3. IC 6-3.5-6-9.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.6. Notwithstanding any other provision of this chapter, the county income tax council for a county containing a consolidated city may pass an ordinance to increase the county option income tax rate for resident county taxpayers by not more than three-tenths of one percent (0.3%) on the succeeding July 1, up to a maximum rate of one percent (1%).**

SECTION 4. IC 6-3.5-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The county income tax council of any county may adopt an ordinance to permanently freeze the county option income tax rates at the rate in effect for its county on January 1 of a year.

(b) To freeze the county option income tax rates a county income tax council must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The \_\_\_\_\_ County Income Tax Council permanently freezes the county option income tax rates at the rate in effect on January 1 of the current year."

(c) An ordinance adopted under the authority of this section remains in effect until rescinded. The county income tax council may rescind such an ordinance after January 1 but before April 1 of any calendar year. Such an ordinance shall take effect July 1 of that same calendar year.

(d) **Except as provided in section 9.6 of this chapter,** if a county income tax council rescinds an ordinance as adopted under this section the county option income tax rate shall automatically increase by one-tenth of one percent (0.01%) until:

- (1) the tax rate is again frozen under another ordinance adopted under this section; or
- (2) the tax rate equals six tenths of one percent (0.6%) (if the frozen tax rate equaled an amount less than six tenths of one percent (0.6%)) or one percent (1%) (if the frozen tax rate equaled an amount in excess of six tenths of one percent (0.6%)).

(e) The county auditor shall record any vote taken on an ordinance proposed under the authority of this section and immediately send a

1 certified copy of the results to the department by certified mail.

2 SECTION 5. IC 8-22-3-4.1 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.1. (a) This section  
4 applies only to the board of an airport authority established for a county  
5 having a consolidated city.

6 (b) The board consists of members appointed as follows:

7 (1) The mayor of the consolidated city shall appoint six (6)  
8 members. Each member appointed under this subdivision must be  
9 a resident of the county having the consolidated city.

10 (2) The board of commissioners of the county having the  
11 consolidated city shall appoint one (1) member. The member  
12 appointed under this subdivision must be a resident of the county  
13 having the consolidated city.

14 (3) The county executive of each Indiana county that fulfills all of  
15 the following requirements shall each appoint one (1) member:

16 (A) The county is adjacent to the county having the  
17 consolidated city.

18 ~~(B) The county has a population of more than one hundred~~  
19 ~~thousand (100,000) but less than one hundred five thousand~~  
20 ~~(105,000).~~

21 ~~(C)~~ **(B)** The authority:

22 **(i)** owns real property in the county; **and**

23 **(ii) owned property in the county before July 1, 2005.**

24 The county executive of a county represented on the board under  
25 this subdivision may not appoint an advisory member under  
26 section 4(e) of this chapter.

27 Not more than four (4) members appointed under subdivisions (1) and  
28 (2) may be members of the same political party.

29 (c) At least one (1) member of the board appointed under subsection  
30 (b)(1) must also be a resident of a township that:

31 (1) is located in the county having the consolidated city; and

32 (2) has a population of:

33 (A) less than twenty-five thousand (25,000); or

34 (B) more than one hundred thirty-three thousand (133,000) but  
35 less than one hundred fifty thousand (150,000).

36 (d) A member of the board appointed under subsection (b)(3) **for a**  
37 **county that has a population of more than one hundred thousand**  
38 **(100,000) but less than one hundred five thousand (105,000) must**

1 be a resident of a township:

- 2 (1) located in the county making the appointment; and
- 3 (2) having a population of more than twenty thousand (20,000)
- 4 but less than twenty-five thousand (25,000).

5 (e) The county executive of a county that is not otherwise  
6 represented on the board and that is located not more than one thousand  
7 two hundred (1,200) feet from a certified air carrier airport that is  
8 owned or operated by the authority may appoint one (1) advisory  
9 member to the board. An advisory member appointed under this  
10 subsection:

11 (1) must be a resident of:

- 12 (A) the county making the appointment; and
- 13 (B) one (1) of the two (2) townships in the county located
- 14 nearest to the airport;

15 (2) may not vote on any matter before the board;

16 (3) serves at the pleasure of the appointing authority; and

17 (4) serves without compensation or payment for expenses.

18 (f) A member of the board holds office for four (4) years and until  
19 the member's successor is appointed and qualified.

20 (g) If a vacancy occurs in the board, the authority that appointed the  
21 member that vacated the board shall appoint an individual to serve for  
22 the remainder of the unexpired term.

23 (h) A board member may be reappointed to successive terms.

24 (i) A board member may be impeached under the procedure  
25 provided for the impeachment of county officers.

26 (j) A board member appointed under subsection (b)(3) may not vote  
27 on a matter before the board relating to imposing, increasing, or  
28 decreasing property taxes in the county having the consolidated city.

29 SECTION 6. IC 36-3-5-4 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) The  
31 following executive departments of the consolidated city are  
32 established, subject to IC 36-3-4-23:

- 33 (1) Department of administration **and equal opportunity**.
- 34 (2) Department of metropolitan development.
- 35 (3) Department of public safety.
- 36 (4) Department of public works.
- 37 (5) Department of transportation.
- 38 (6) Department of parks and recreation.

1 These departments and their divisions have all the powers, duties,  
 2 functions, and obligations prescribed by law for them as of August 31,  
 3 1981, subject to IC 36-3-4-23.

4 (b) The department of public utilities established under IC 8-1-11.1  
 5 continues as an agency of the consolidated city, which is the successor  
 6 trustee of a public charitable trust created under Acts 1929, c. 78. The  
 7 department of public utilities is governed under IC 8-1-11.1 and is not  
 8 subject to this article."

9 Page 3, line 9, delete "which" and insert "**that**".

10 Page 3, after line 12, begin a new paragraph and insert:

11 "SECTION 8. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE  
 12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
 13 JANUARY 1, 2006]: **Sec. 6. Notwithstanding any other provision,**  
 14 **the department of administration and equal opportunity is**  
 15 **responsible for:**

16 (1) **payroll functions; and**

17 (2) **other human resources and personnel functions;**

18 **for all city and county departments, offices, and agencies.**

19 SECTION 9. [EFFECTIVE UPON PASSAGE] (a) **As used in this**  
 20 **SECTION, "commission" refers to the Marion County**  
 21 **consolidation study commission established by subsection (b).**

22 (b) **The Marion County consolidation study commission is**  
 23 **established.**

24 (c) **The commission consists of the following members:**

25 (1) **Two (2) members of the house of representatives, not more**  
 26 **than one (1) of whom may be a member of the same political**  
 27 **party, appointed by the speaker of the house of**  
 28 **representatives.**

29 (2) **Two (2) members of the senate, not more than one (1) of**  
 30 **whom may be a member of the same political party, appointed**  
 31 **by the president pro tempore of the senate.**

32 (3) **One (1) member appointed by the mayor of Indianapolis.**

33 (4) **One (1) member who is a township trustee in Marion**  
 34 **County, appointed by the chairman of the legislative council**  
 35 **upon the recommendation of the Marion County Trustees**  
 36 **Association.**

37 (5) **One (1) member who is an elected township assessor in**  
 38 **Marion County, appointed by the chairman of the legislative**

1 council upon the recommendation of the Marion County  
2 Township Assessors Association.

3 (6) Two (2) members appointed by the chairman of the  
4 legislative council upon the recommendation of the president  
5 of Indianapolis Lodge No. 86, Fraternal Order of Police, Inc.  
6 One (1) member appointed under this subdivision must be a  
7 law enforcement officer employed by the Marion County  
8 Sheriff's Department, and one (1) member appointed under  
9 this subdivision must be a law enforcement officer employed  
10 by the Indianapolis Police Department.

11 (7) Two (2) members appointed by the chairman of the  
12 legislative council upon the recommendation of the president  
13 of Indianapolis Metropolitan Professional Firefighters Local  
14 416. One (1) member appointed under this subdivision must  
15 be a full-time firefighter employed by a fire department in a  
16 Marion County township other than Center Township. One  
17 (1) member appointed under this subdivision must be a  
18 full-time firefighter employed by the Indianapolis Fire  
19 Department.

20 (8) Two (2) members of the Marion County city-county  
21 council appointed by the chairman of the legislative council  
22 upon the joint recommendation of the president and the  
23 minority leader of the Marion County city-county council.

24 (9) One (1) member appointed by the chairman of the  
25 legislative council upon the recommendation of the president  
26 of the Marion County Alliance of Neighborhood Associations.

27 (10) One (1) member appointed by the chairman of the  
28 legislative council upon the recommendation of the president  
29 of the Greater Indianapolis Chamber of Commerce.

30 (d) The chairman of the legislative council shall appoint a  
31 member of the commission as the chair of the commission.

32 (e) The affirmative votes of a majority of the members  
33 appointed to the commission are required for the commission to  
34 take action on any measure, including the adoption of a final  
35 report.

36 (f) The legislative services agency shall provide staff support for  
37 the commission.

38 (g) Except as otherwise provided in this SECTION, the

1       commission shall operate under the rules and procedures of the  
2       legislative council.

3       (h) The commission shall study the consolidation of local  
4       government in Marion County, including the consolidation of  
5       functions proposed in HB 1435-2005, as introduced, and in the  
6       "Indianapolis Works" plan.

7       (i) There is appropriated forty-five thousand dollars (\$45,000)  
8       to the legislative council from the state general fund for the period  
9       beginning July 1, 2005, and ending June 30, 2006, to hire  
10      consultants, including accountants, auditors, and actuaries, that are  
11      necessary to assist the commission in reviewing and verifying  
12      information and data concerning the consolidation of local  
13      government in Marion County. The chairman and vice chairman  
14      of the legislative council must approve the hiring of any consultants  
15      by the commission.

16      (j) Before July 1, 2005, the city of Indianapolis must submit  
17      information concerning the following to the commission, including  
18      any data or assumption used by the city in providing the  
19      information:

20           (1) The anticipated locations and staffing levels of offices in  
21           Marion County providing services related to property  
22           assessment and township assistance.

23           (2) The operational efficiencies that may be achieved from the  
24           consolidation of law enforcement and firefighting functions.

25           (3) The anticipated law enforcement staffing and patrolling  
26           patterns throughout Marion County.

27           (4) The anticipated staffing of each existing fire station in  
28           Marion County.

29           (5) The anticipated wages and benefits that would be paid to  
30           law enforcement officers and firefighters of the consolidated  
31           departments, including any information concerning the timing  
32           of expected wage increases for officers and firefighters  
33           currently earning less than other officers with comparable  
34           rank and experience.

35           (6) The anticipated pension payments to law enforcement  
36           officers and firefighters and the funding source of those  
37           payments.

38           (7) The amount of any reductions in administrative costs

1 resulting from the consolidation of property assessment,  
 2 township assistance, law enforcement, and firefighting  
 3 functions.

4 (8) The amount of any other savings that might occur if  
 5 services currently provided by township assessors and  
 6 township trustees (other than township assistance and  
 7 firefighting services) were transferred to existing county and  
 8 city departments.

9 (9) Any other information demonstrating the manner in which  
 10 the consolidation proposed by HB 1435-2005, as introduced,  
 11 would affect:

12 (A) the cost of providing local government services in  
 13 Marion County;

14 (B) tax rates, tax levies, and budgets of units of local  
 15 government in Marion County;

16 (C) the ability of local government to provide services; and

17 (D) the ability of citizens to interact with government  
 18 officials.

19 (k) Any interested party may submit information and data  
 20 described in subsection (j) to the commission.

21 (l) The commission shall issue a final report to the legislative  
 22 council before December 1, 2005, concerning any findings and  
 23 recommendations made by the commission.

24 (m) This SECTION expires December 31, 2005.

25 SECTION 10. [EFFECTIVE UPON PASSAGE] (a)  
 26 Notwithstanding IC 6-3.5-6, if the county income tax council for a  
 27 county containing a consolidated city passes an ordinance  
 28 described in IC 6-3.5-6-9.6, as added by this act, before June 1,  
 29 2005, the increased rate takes effect July 1, 2005.

30 (b) An ordinance or resolution adopted to increase the rate of  
 31 the county option income tax for resident county taxpayers under  
 32 IC 6-3.5-6-9.6, as added by this act, by not more than three-tenths  
 33 of one percent (0.3%) on the succeeding July 1, up to a maximum  
 34 rate of one percent (1%), is valid and effective, regardless of  
 35 whether the ordinance or resolution is passed before, on, or after  
 36 the effective date of this act.

37 SECTION 11. An emergency is declared for this act."

38 Renumber all SECTIONS consecutively.



(Reference is to SB 307 as reprinted February 22, 2005.)

**and when so amended that said bill do pass.**

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Representative Hinkle